

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 28 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PHILMAR CARE, LLC, a California
limited liability company,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent,

JUAN CORTES,

Respondent-Intervenor.

No. 16-70069

NLRB No. 31-CA-133242
National Labor Relations Board

ORDER

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

PHILMAR CARE, LLC, a California
limited liability company,

Respondent.

No. 16-70267

NLRB No. 31-CA-133242

Before: CANBY, WARDLAW, and RAWLINSON, Circuit Judges.

On April 13, 2016, this court issued orders staying proceedings in these consolidated petitions pending the issuance of the United States Supreme Court's

(“Supreme Court”) decisions in *Epic Systems Corp. v. Lewis*, 16-285, *Ernst & Young v. Morris*, 16-300, and *NLRB v. Murphy Oil USA*, 16-307. On May 21, 2018, the Supreme Court issued its decision in the referenced cases. Accordingly, the stay orders filed April 13, 2016, are lifted and these consolidated petitions shall proceed.

The National Labor Relations Board’s (“NLRB”) motion for Philmar Care, LLC’s petition for review to be summarily granted, and for the NLRB’s cross-application for enforcement to be summarily denied (Docket Entry No. 57 in petition No. 16-70069 and Docket Entry No. 47 in petition No. 16-70267), is granted.

All other pending motions are denied as moot.

Petition No. 16-70069 is GRANTED. Petition No. 16-70267 is DENIED.